

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:20-cr-111

vs.

KYLE RUTHERFORD,

District Judge Michael J. Newman

Defendant.

ORDER: (1) GRANTING THE UNOPPOSED ORAL MOTION TO CONTINUE; (2) EXCLUDING THE TIME FROM FEBRUARY 6, 2023 UNTIL APRIL 7, 2023 FROM THE SPEEDY TRIAL ACT CALCULATION; (3) SETTING A MOTION *IN LIMINE* DEADLINE OF MAY 26, 2023; (4) SETTING A FINAL PRETRIAL CONFERENCE FOR MARCH 21, 2023 AT 10:30 A.M.; AND (5) SETTING TRIAL TO BEGIN ON APRIL 4, 2023 AT 9:30 A.M.

This criminal case comes before the Court after a status conference held on February 6, 2023 to discuss the trial date in the pending case. Counsel for both sides were present at the conference. Defense counsel advised the Court that she would file a motion to withdraw Defendant's guilty plea by tomorrow. After so advising the Court, Defendant moved for an extension under the Speedy Trial Act in the present case for sixty days.

Thus, the Court finds that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), after considering the factors set forth therein, the ends of justice are served by granting the requested continuance and that such continuance outweighs the best interest of the public and Defendants in a speedy trial. Failure to grant the requested continuance would deny both the Government and Defendants the time necessary for effective preparation (such as having witnesses available to testify at trial), and the ability to explore all available means of resolving this case. *See* 18 U.S.C. § 3161(h)(7). The Court hereby **GRANTS** Defendant's unopposed oral motion to continue. The time from

February 6, 2023 through April 7, 2023 is **EXCLUDED** in computing the time period set forth in 18 U.S.C. § 3161 within which the United States must bring Defendant to trial. The Court, therefore, sets the following schedule:

1. Motion <i>in Limine</i> Deadline	March 10, 2023
2. Final Pretrial Conference	March 21, 2023 at 10:30 a.m. in Courtroom 4
3. Trial Date	April 4, 2023 at 9:30 a.m.

IT IS SO ORDERED.

February 8, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge